

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUNE 23, 1989

MEMORANDUM

SUBJECT: Regulation of Canceled Pesticides

FROM: Sylvia K Lowrance, Director
Office of Solid Waste (OS-300)

Douglas D. Campt, Director
Office of Pesticide Programs (H-7501C)

TO: David A. Ullrich
Associate Division Director, Office of RCRA
Waste Management Division, Region V

This is in response to your memorandum of October 13, 1988, in which you inquire as to the regulatory status under RCRA of canceled pesticides such as Silvex and 2,4,5-T. We want to apologize for the long delay in responding.

First, we are aware of the different interpretations on the regulatory status of pesticides upon suspension/cancellation that have been given by various offices within EPA. Both the Office of Solid Waste (OSW) and the Office of Pesticide Programs (OPP) have met and agreed on a new approach for dealing with the overlap in the two programs as it relates to the storage of suspended or canceled pesticides. This approach involves the promulgation of regulations or the equivalent under FIFRA that will result in storage standards/requirements that are substantially equivalent to the applicable RCRA regulations. OPP has plans to proceed on an expedited schedule for completing this task. Once RCRA-equivalent pesticide storage standards are incorporated into 40 CFR Part 165, OSW anticipates that these pesticides will be exempt from RCRA storage requirements under the authority in RCRA Section 1006(b). At the time the pesticides are sent for disposal, the full set of RCRA requirements would apply.

Unfortunately, until the FIFRA regulation is expanded to encompass storage standards/requirements meeting the "goals and policies" of RCRA, regulatory status of cancelled pesticides must be dealt with on a case-by-case basis. For this reason, we are referring you to the Federal Register cancellation notice for Silvex and 2,4,5-T. This notice stipulates the terms under which

2,4,5-T or Silvex are considered a waste and are, therefore, subject to compliance with RCRA. We have enclosed a copy of 52 FR 11332 for a reference guide.

Once again, we apologize for the delay in responding to your inquiry and hope this document proves useful when dealing with 2,4,5-T and/or Silvex cases.

Attachment